

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Vincent L. Barr,) C/A NO. 2:06-2209-CMC-RSC

)

Plaintiff,) **ORDER**

)

v.)

)

John Battiste,)

)

Defendant.)

)

Vincent L. Barr,) C/A NO. 2:06-2284-CMC-RSC

)

Plaintiff,)

)

v.)

)

John Battiste,)

)

Defendant.)

)

This matter is before the court on Defendant's motion to consolidate the above-referenced cases. Plaintiff is a pretrial detainee currently housed in the Williamsburg County Detention Center. Plaintiff complains of certain conditions of his confinement.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Robert S. Carr for pre-trial proceedings and a Report and Recommendation. On December 19, 2006, the Magistrate Judge issued a Report recommending that these actions be consolidated, and that C/A 2:06-2209-CMC-RSC be dismissed, with its complaint filed in C/A 2:06-2284-CMC-RSC as an amended complaint. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and

Recommendation and the serious consequences if he failed to do so. Plaintiff has failed to file objections to the Report, and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. However, the court has determined that C/A 2:06-2284-CMC-RSC should be dismissed, and its complaint filed in C/A 2:06-2209-CMC-RSC as an amended complaint. The Clerk shall file the complaint from 2:06-2284-CMC-RSC in C/A 2:06-2209-CMC-RSC as of the filing date of this order. Defendant may amend his answer in C/A 2:06-2209-CMC-RSC within the time period provided for in the Federal Rules of Civil Procedure.

This matter is recommitted to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
January 22, 2007

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